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Security Council

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1309 (2000) of 25 July 2000, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2000 and requested me to provide an assessment of the situation before the end of that mandate. The Security Council acted in the expectation that the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), would meet in direct talks under the auspices of my Personal Envoy, James A. Baker III, to try to resolve the multiple problems relating to the implementation of the United Nations settlement plan (S/21360 and S/22464) and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara. The present report covers developments since my previous report to the Council, dated 12 July 2000 (S/2000/683).

II. Developments during the reporting period

A. Expert-level technical meetings of the parties (Geneva, 20 and 21 July 2000)

2. At the London meeting, held on 28 June 2000, my Personal Envoy asked the two parties to participate in expert-level technical meetings at Geneva to address outstanding issues relating to the appeals process, prisoners of war, political detainees, and the implementation of confidence-building measures for the return of Saharan refugees. Those meetings were convened by my Special Representative, William Eagleton, and the Deputy to my Personal Envoy, John R. Bolton, on 20 and 21 July 2000. The Moroccan and Frente POLISARIO delegations were headed by their coordinators with MINURSO, Mohamed Loulichki and M'hamed Khaddad. Representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and of the International Committee of the Red Cross (ICRC) participated in the discussions on refugees and prisoners of war, respectively. Under the agreed agenda, prisoners of war, political detainees and confidence-building measures were to be discussed on 20 July, and the appeals process on 21 July.

3. On the first day, separate meetings were held between the United Nations and the two parties concerning the 1,686 Moroccan prisoners of war still held by the Frente POLISARIO, and the list of 207 presumed political detainees compiled and submitted by the independent jurist to the Government of Morocco in 1998. My Special Representative and ICRC emphasized the adverse humanitarian and health effects of prolonged detention. The Frente POLISARIO indicated that it was not in a position to discuss the release of prisoners of war while refugees in the Tindouf camps were living under unacceptable conditions. The fate of the prisoners of war was raised by the Moroccan delegation, which also provided a general account of the current status of Saharans whose names had been provided by the independent jurist, and reported that only one among those listed was still detained in Morocco. The Moroccan delegation promised to provide detailed information at a later stage. This information, contained in an annotated list, was conveyed to my Personal Envoy at the meeting

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held in Berlin on 28 September 2000. My Special Representative provided the Frente POLISARIO with a copy of that list on 9 October.

4. Separate meetings were also held on the practical steps for the implementation of confidence-building measures pursuant to Security Council resolutions 1238 (1999), 1263 (1999) and 1282 (1999). Both parties agreed in principle to allow exchanges of family visits between Laayoune and the Tindouf refugee camps, under the auspices of UNHCR and MINURSO. A draft non-paper on a pilot programme was submitted to the parties, proposing that family visits be undertaken by 15 to 20 persons from each side, selected by UNHCR, for one week. After lengthy discussions, some operational points contained in the draft remained unresolved, and decisions thereon were deferred to the following day.

5. At the meeting held on 21 July, the Moroccan delegation stated that it was not authorized to discuss the appeals process, because the problems regarding that issue were political and not technical. Consultations continued on the operational points proposed in the non-paper concerning the exchange of family visits. At the end of the meeting, the Frente POLISARIO accepted the draft proposed by the United Nations. The Moroccan delegation undertook to obtain its Government's endorsement or suggested amendments. Regrettably, later discussions, including those held in Berlin on 28 September, failed to produce a set of operational points acceptable to the Moroccan party.

B. Third meeting of the parties under the auspices of the Personal Envoy of the Secretary-General (Berlin, 28 September 2000)

6. Pursuant to Security Council resolution 1309 (2000), the parties were invited to meet in Berlin on 28 September 2000, under the auspices of my Personal Envoy. The United Nations letters of invitation specified that the meeting would be held under the same conditions as before, namely that the talks would be private and direct and that no issue would be considered agreed until every outstanding issue had been agreed. The two neighbouring countries, Algeria and Mauritania, were again invited to attend as observers. As before, the Algerian delegation attended the meeting during my Personal Envoy's opening statement, but was not present during the ensuing discussions between the parties. Mauritania did not send a delegation to the meeting.

7. In his opening statement, my Personal Envoy referred to paragraph 1 of Security Council resolution 1309 (2000), in which the Council stated its expectation that the parties would meet in direct talks to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara, and emphasized that this was to be the basis for the meeting.

8. Following his opening statement, my Personal Envoy asked a member of his delegation to review some of the outstanding issues impeding the implementation of the settlement plan. In this review, it was noted that, as underlined in paragraph 55 of the settlement plan (S/22464), MINURSO must have the full cooperation of both parties at all times in order to accomplish its tasks, and that wide differences in the parties' interpretation of the main provisions of the settlement plan continued to impede its implementation.

9. My Personal Envoy then asked my Special Representative to review the results of the expert-level technical meetings held at Geneva in July, as outlined in paragraphs 2 to 5 above. This review emphasized the unsuccessful attempts at obtaining the parties' agreement on operational points for a pilot project on confidence-building family visits. The failure of the parties to agree on the implementation of this pilot project was cited as yet another example of the difficulties still lying ahead.

10. During the discussion on the status of the United Nations settlement plan, both parties reiterated their positions. The Frente POLISARIO was of the view that the remaining obstacles could be overcome with the cooperation of the parties and expressed its willingness to engage in a substantive discussion on the implementation of the appeals procedures immediately. When asked whether it would be prepared to waive its position on the admissibility of appeals for hearings and to accept the Moroccan position, POLISARIO responded that it was ready to discuss the matter, as its position was that of the United Nations. With respect to other issues, such as the prisoners of war, the Frente

POLISARIO stated that they should be dealt with in the framework of the settlement plan.

11. The Moroccan delegation recalled in some detail the many obstacles to the settlement plan, which had been underlined in an aide-memoire presented to me, as well as at the London meeting on 28 June 2000. In Morocco's view, the difficulties encountered were not of a mere technical nature, but were errors and distortions in the implementation of the plan which could not satisfy the thousands of rejected applicants. Although Morocco had sufficient reasons to reject the manner in which the settlement plan was being implemented, it had not done so because it wanted to facilitate the Personal Envoy's task and to cooperate. Nevertheless, the Moroccan party was of the opinion that, despite all good will, the difficulties faced in the implementation of the plan could not be overcome.

12. My Personal Envoy pointed out to the parties that he had been hearing the same arguments and pledges of cooperation since 1997. He expressed scepticism about the validity of such pledges, and regret that the parties' positions on the outstanding issues had not changed. He asked the Frente POLISARIO whether the commitment, made by its Secretary-General, Mohamed Abdelaziz, during his visit to Tindouf in April 2000, to release those prisoners of war who merited humanitarian treatment, was still valid. My Personal Envoy then referred to the non-paper proposed at the Geneva meeting to make operational the confidence-building measures on family visits. He asked both parties to accept a compromise in this regard and suggested various formulations for the selection of candidates for such visits. The Frente POLISARIO eventually accepted the proposed formulations. The Moroccan delegation pointed out, however, that the issue of confidence-building had become almost irrelevant, given the current atmosphere which, in its view, was not conducive to considering that issue. Morocco suggested that the matter be put on hold until better conditions prevailed.

13. My Personal Envoy recalled that, at the start of the meeting, he had asked the parties whether they had come with new positions on any issue. He felt that there was no political will on either side. Under such circumstances, he was not sure what the next steps would be and whether there would indeed be another meeting. He reiterated that there were many ways to achieve self-determination. It could be achieved through war or revolution; it could be achieved through elections, but this required good will; or it could be achieved through agreement, as had been done by parties to other disputes. My Personal Envoy asked the parties whether they would be willing to try the latter route without abandoning the settlement plan. The Frente POLISARIO reiterated its commitment to the settlement plan and its readiness to discuss the appeals process. While also committed to the plan, Morocco expressed the view that the way in which the plan was being implemented meant that two thirds of the Saharan population would be excluded from the referendum.

14. Hearing that both parties remained attached to the settlement plan despite their fundamental differences and perceptions as to its correct implementation, my Personal Envoy made the following suggestion: since the Frente POLISARIO was interested in discussing the appeals process, and the Security Council in resolution 1309 (2000) also requested that the parties try to agree upon a mutually acceptable political solution, the two parties should explore ways to move the appeals process forward and at the same time search for a political solution. The Moroccan delegation pointed out that the question of appeals had been extensively covered and was by now exhausted; that issue was deadlocked not on technicalities but on positions. My Personal Envoy then asked the parties whether, without abandoning the settlement plan, they would be interested in pursuing a subsequent discussion to find another solution that may or may not be confirmed by referendum. The Frente POLISARIO responded that it was not ready to discuss anything outside the settlement plan.

15. For its part, the delegation of Morocco expressed the wish to further explore other ways and means to settle the conflict. It noted that, pursuant to Security Council resolution 1309 (2000), the Personal Envoy had invited the parties to search for a lasting and definitive solution to the question of Western Sahara. In response, Morocco was prepared to initiate a sincere and frank dialogue with the other party on the dispute that had divided them for almost 25 years. Morocco reaffirmed its readiness to explore every avenue, with the assistance of my Personal Envoy, to work out a lasting and definitive solution, that would take account of Morocco's sovereignty and territorial integrity, and the specifics of the region, in compliance with the democratic and decentralization principles that Morocco wished to develop and apply, beginning with

the Sahara region. Morocco wished to reaffirm its willingness to engage in a dialogue to that effect within the next few weeks, as long as Morocco's national sovereignty and territorial integrity were respected.

16. My Personal Envoy responded that he wished to discuss with me the results of the meeting. He expressed the hope that Morocco did not make its proposal conditional on abandoning the settlement plan. He said that since the Security Council, in resolution 1309 (2000), had asked him to continue consultations with the parties on two tracks, it would be his intention to do so. Rejecting the Moroccan proposal, the Frente POLISARIO reiterated that it would cooperate and adhere to any dialogue that would be within the framework of the settlement plan since, in its view, any other solution had been overtaken by events. My Personal Envoy indicated that no one was abandoning the plan. He also noted that, for the first time, Morocco had expressed readiness to engage in a direct dialogue. Morocco's position with respect to the implementation of the settlement plan and to a political solution to the dispute was reiterated in a letter addressed to me by the Permanent Representative of Morocco on 19 October 2000 (S/2000/1003).

17. On 13 October 2000, the Frente POLISARIO informed me in writing that it had accepted the proposals put forward by my Personal Envoy in Berlin to facilitate the implementation of the confidence-building measures. The Frente POLISARIO reaffirmed its commitment to the settlement plan and its readiness to continue the dialogue and negotiations with Morocco, under the auspices of my Personal Envoy, within the strict framework of the plan, the Houston agreements and the protocols of May 1999, in order to overcome the final obstacles in the implementation of the settlement plan.

18. On 9 October 2000, I received a letter from the Permanent Representative of Algeria (S/2000/975) reiterating his country's support for my efforts and those of my Personal Envoy and my Special Representative to organize a free and impartial referendum for self-determination for the people of Western Sahara.

C. Appeals process

19. The Chairman of the Identification Commission participated in the expert-level meetings held at Geneva. He maintained contacts with the coordinators of the two parties to discuss various issues relating to the data-processing and analysis of the appeals and to explore possible ways and means of overcoming the obstacles to the appeals process. Following their completion of data-processing and analysis, the Identification Commission personnel undertook training in preparation for the appeals proceedings.

D. Prisoners of war

20. As mentioned in paragraphs 3 and 12 above, the fate of 1,686 Moroccan prisoners of war was raised with the Frente POLISARIO at the meeting held at Geneva with the participation of ICRC representatives, and again at the meeting in Berlin. It was stressed that the release of those prisoners, whose health had deteriorated significantly during their long captivity, was of pressing humanitarian necessity. I once again join ICRC in urging the early repatriation of all remaining prisoners of war, especially those who meet the humanitarian criteria of ICRC on the basis of age, health or length of detention.

E. Military aspects

21. As at 24 October 2000, the military component of MINURSO stood at the authorized strength of 230 military personnel (see annex). Under the command of General Claude Buze (Belgium), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which came into effect on 6 September 1991. Both sides decreased their training activities in the hot season but are resuming them with the onset of autumn. The MINURSO area of responsibility remains generally calm and there have been no indications that either side intends to resume hostilities in the near future.

22. Progress continued in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of mines and unexploded ordnance and the exchange of related information. During the reporting period, the Royal Moroccan Army and the Frente POLISARIO forces conducted a total of six operations for the disposal of explosives and ammunition and marked 28 sites of mines and unexploded ordnance.

F. Civilian police aspects

23. The current strength of the civilian police component of MINURSO stands at 47 police officers, down from 80 in May 2000, under the command of Inspector-General Om Prakash Rathor (India). Over the next few weeks, 21 civilian police officers will be leaving the mission. As a result, the strength of this component will be reduced to 26 police officers by the end of November 2000. MINURSO civilian police officers continue to protect files and sensitive material at the Identification Commission centres at Laayoune and Tindouf, and to undertake training and planning for possible future activities.

G. Preparatory work for the repatriation of Saharan refugees

24. During the reporting period, UNHCR continued to consult and cooperate with my Special Representative and various MINURSO components regarding the UNHCR role, as foreseen in the United Nations settlement plan. UNHCR also participated in the detailed discussions with the parties regarding the cross-border confidence-building measures during the expert-level technical meetings held at Geneva in July.

25. UNHCR completed the pre-registration and needs assessment of the refugees in the Tindouf camps in Algeria, using the provisional voter lists of MINURSO. UNHCR is currently finalizing the electronic data-processing of information gathered on all pre-registered refugees. Pending a durable solution for the return of Saharan refugees, UNHCR continues to implement its care and maintenance programme in the Tindouf camps in conformity with its mandated responsibilities.

III. Financial aspects

26. As indicated in my previous report to the Security Council (S/2000/683, para. 25), the General Assembly, by its resolution 54/268 of 15 June 2000, appropriated the amount of $49.3 million, equivalent to a monthly rate of some $4.1 million, for the maintenance of MINURSO for the period from 1 July 2000 to 30 June 2001. Therefore, should the Security Council approve my recommendation contained in paragraph 32 below with regard to the extension of the mandate of MINURSO, the cost of maintaining the Mission would be within the monthly rate approved by the General Assembly. As at 23 October 2000, unpaid assessed contributions to the Special Account for MINURSO amounted to $86.4 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,095.9 million.

IV. Observations and recommendations

27. Regrettably, I cannot report any progress towards overcoming the obstacles to the implementation of the United Nations settlement plan. The technical meetings at Geneva on 20 and 21 July 2000 failed to make progress on the main issues, namely, prisoners of war, confidence-building measures for the refugees, and the appeals process. The only positive development has been Morocco's accounting of the status of the 207 presumed political detainees included in the list provided by the independent jurist. However, it has not been possible to even begin a simple pilot programme on confidence-building measures because of the concerns expressed by the Government of Morocco.

28. At the Berlin meeting on 28 September 2000, the two parties reiterated their well-known views, while expressing their continued commitment to the settlement plan and their wish to cooperate with the United Nations. At the conclusion of the meeting, while the Frente POLISARIO stated its readiness to discuss ways of implementing the appeals procedures, the Moroccan party proposed that its Government enter into direct talks with the Frente POLISARIO, under the auspices of my Personal Envoy, to seek a political solution, subject to stated concerns involving Morocco's sovereignty and territorial integrity.

29. As may be recalled, when I appointed my Personal Envoy early in 1997, I asked him to undertake a fresh assessment of the situation, whose purpose would be threefold: to assess, in consultation with the parties, the implementability of the settlement plan in its present form; to examine whether there were any adjustments, acceptable to the parties, which would significantly improve the chances of implementing it in the near future; and, if not, to recommend other possible ways of resolving the conflict (see S/1997/742).

30. Pursuant to that request and to Security Council resolution 1309 (2000), and in the light of the three

rounds of direct talks held in London and Berlin this year, it is the view of my Personal Envoy, which I share, that further meetings of the parties to seek a political solution cannot succeed, and indeed could be counterproductive, unless the Government of Morocco as administrative Power in Western Sahara is prepared to offer or support some devolution of governmental authority, for all inhabitants and former inhabitants of the Territory, that is genuine, substantial and in keeping with international norms.

31. It is also the view of my Personal Envoy, which I share, that if the Government of Morocco is not prepared to offer or support some devolution of governmental authority that could be discussed at a meeting of the parties during the next extension of the mandate of MINURSO, the Mission should begin hearing the pending appeals from the identification process on an expedited basis, without regard as to how long it might be expected to take to complete them.

32. In view of the position taken by the parties at the conclusion of the Berlin meeting, and in order to provide time to determine (a) whether the Government of Morocco is prepared to offer or support some devolution of governmental authority (see para. 30 above); or (b) whether MINURSO will commence the hearings on the appeals on an expedited basis (para. 31), I recommend that the Security Council extend the mandate of MINURSO for a period of four months, until 28 February 2001.

33. I wish to take this opportunity to express my appreciation to the Government of Germany for having hosted the Berlin talks, as well as to my Personal Envoy for his continued efforts in fulfilment of the mandate entrusted to him. I also wish to express my appreciation for the close cooperation extended to MINURSO by the observer delegation of the Organization of African Unity led by its senior representative, Ambassador Yilma Tadesse (Ethiopia).

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 24 October 2000

	Military observers	Troops	Civilian police	Total
Argentina	1			1
Austria	4			4
Bangladesh	6			6
Belgium	1*			1
China	16			16
Egypt	18			18
El Salvador	2			2
France	25			25
Ghana	6	7	1	14
Greece	1			1
Guinea	3			3
Honduras	12			12
Hungary	6		1	7
Ireland	3			3
India			10	10
Italy	5			5
Jordan			9	9
Kenya	8			8
Malaysia	13			13
Nigeria	5		9	14
Norway			2	2
Pakistan	6			6
Poland	5			5
Portugal	4		9	13
Republic of Korea		20		20
Russian Federation	25			25
Senegal			5	5
Sweden			1	1
Uruguay	13			13
United States of America	15			15
Total	**203**	27	47	277

* Force Commander
** Authorized strength is 81

MOROCCO
ALGERIA
FHQ MINURSO
SHQ NORTH
Laayoune
Tindouf
NORTHERN SECTOR
Western Sahara
MAURITANIA
SHQ SOUTH
Dakhla
SOUTHERN SECTOR
Awsard
Agwanit
MAURITANIA
MINURSO
Deployment as of
October 2000
Medical unit
Medical station
ID Identification centre
LO Liaison office
UN team site
Sector boundary
Berm
Paved road
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.